IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

Bail Appl..No. 4215 of 2007()

CRIME NO. 214/07 OF BALARAMAPURAM POLICE STATION
CMP.4207/2007 of J.M.F.C.-III,NEYYATTINKARA

.....

PETITIONER/1ST ACCUSED

SHAJI @ NEELAN, S/O. SOMAN,
ELAVINKUZHY VEEDU, AVANAKUZHY, ATHIYANNOOR DESOM,
ATHIYANNOR VILLAGE.

BY ADV. SRI.SAJU.S.A

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4215 of 2007

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Dated this the 19th day of July, 2007

O R D E R

Application for regular bail. The petitioner faces allegations, inter alia, under Sections 326 and 307 r/w. 34 I.P.C. The petitioner allegedly has animosity against the victim. On 13.6.07, because of such animosity, he along with three others allegedly attacked the victim with dangerous weapons, including swords. The victim suffered fracture of both legs. A crime was promptly registered. The petitioner is named in the F.I.R. The three co-accused are not named. The petitioner was arrested in an offence under the Abkari Act on 14.6.07. Later his arrest was recorded in the present crime on 25.6.2007. He continues in custody in this crime thus from 25.6.07.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He prays that the petitioner may now be enlarged on bail. He has virtually been in custody from 14.6.07 though the police had shown him as arrested in this case only on 25.6.l07.

3. The learned Prosecutor opposes the application vehemently. The victim has suffered serious injuries. He is even now undergoing treatment in the hospital. The identity of the co-accused has been ascertained after interrogation of the petitioner, but they have not been arrested so far. They are still at large. Investigation is at an early stage. In these circumstances it is prayed that the petitioner may not be enlarged on bail at this early stage.

4. I have considered all the relevant inputs. Having considered all the relevant circumstances, including the nature and gravity of the allegations, the nature of involvement of the petitioner, the stage of the crime, the fact that the victim is even now in the hospital as also the deleterious impact which, on the release of the petitioner at this stage, would leave behind on the investigation of the crime in particular and the law and order situation in general, I am of the opinion that the petitioner is not entitled to be released on bail at this stage.

5. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the Sessions Judge or this court for bail again at a later stage of the investigation, not at

any rate, prior to 9.8.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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